

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF POWERTEL/KENTUCKY, INC., A)
DELAWARE CORPORATION, FOR ISSUANCE OF)
A CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A PERSONAL) CASE NO.
COMMUNICATIONS SERVICES FACILITY IN THE) 99-290-UAC
BASIC TRADING AREA B-252 WHICH INCLUDES)
JESSAMINE COUNTY (THE RHINEHEIMER/L-KY-)
057-248 FACILITY))

O R D E R

On July 8, 1999, Powertel/Kentucky, Inc. ("Powertel/Kentucky") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 1366 Catnip Hill Road, Nicholasville, Jessamine County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 56' 2.9" by West Longitude 84° 35' 21.9".¹

Powertel/Kentucky has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Registered Professional Engineer.

¹ The coordinate information from the FAA and KAZC exhibits to the application appears to be more accurate and was used instead of different coordinate information reported in the application.

Pursuant to KRS 100.987, Powertel/Kentucky has submitted a uniform application to the Jessamine County-City of Wilmore Joint Planning Commission (Planning Commission). According to information supplied by Powertel/Kentucky, the Planning Commission approved the proposed construction. Powertel/Kentucky has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both applications are pending.

Powertel/Kentucky has filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. To date, no comments have been filed with the Commission.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Powertel/Kentucky should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Powertel/Kentucky.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Powertel/Kentucky has demonstrated that a facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. Powertel/Kentucky is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility to be located at 1366 Catnip Hill Road, Nicholasville, Jessamine County, Kentucky. The coordinates for the proposed facility are North Latitude $37^{\circ} 56' 2.9''$ by West Longitude $84^{\circ} 35' 21.9''$.

2. Powertel/Kentucky shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. Powertel/Kentucky shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 20th day of October, 1999.

By the Commission

ATTEST:

Executive Director